

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

FIREARMS REGULATORY
ACCOUNTABILITY COALITION, INC.,
STATES OF WEST VIRGINIA, NORTH
DAKOTA, *et al.*,

Plaintiffs,

v.

MERRICK B. GARLAND, *et al.*,

Defendants.

Civil Action No. 1:23-cv-0024-DLH-CRH

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully notify this Court of an opinion that the United States District Court for the Northern District of Texas issued yesterday in *Mock v. Garland*, No. 4:23-cv-95 (N.D. Tex.), attached to the Government's filing as Dkt. No. 72-1. In that opinion, the court denied a motion to preliminarily enjoin the Bureau of Alcohol, Tobacco, Firearms, and Explosives from enforcing the same rule challenged in this litigation, Factoring Criteria for Firearms With Attached "Stabilizing Braces," 88 Fed. Reg. 6,478 (Jan. 31, 2023). It reserved final judgment for the merits phase of that litigation.

The preliminarily injunction motion filed in Texas relied principally on Second Amendment arguments that Plaintiffs do not advance here and raised different Administrative Procedure Act challenges to ATF's statutory authority than Plaintiffs do here. Furthermore, the plaintiffs in Texas did not, as here, challenge ATF's adjudications; nor did they raise arbitrary and capricious challenges to the adjudications and rule, as Plaintiffs do here.

March 31, 2023

/s/ Stephen J. Obermeier
Stephen J. Obermeier
Thomas M. Johnson, Jr.
Michael D. Faucette
Jeremy J. Broggi
Boyd Garriott
WILEY REIN LLP
2050 M Street NW
Washington, DC 20036
Tel: 202.719.7000
Fax: 202.719.7049
SObermeier@wiley.law
TMJohnson@wiley.law
MFaucette@wiley.law
JBroggi@wiley.law
BGarriott@wiley.law

Benjamin J. Sand (ND ID #07981)
CROWLEY FLECK PLLP
100 W Broadway Ave
Bismarck, ND 58501
Tel: 701.223.6585
Fax: 701.222.4853
bsand@crowleyfleck.com

*Counsel for Plaintiffs FRAC, SB Tactical,
B&T, and Richard Cicero*

/s/ Lindsay See
PATRICK MORRISEY
Attorney General
LINDSAY SEE
Solicitor General
MICHAEL R. WILLIAMS
Senior Deputy Solicitor General

Office of the West Virginia Attorney General
State Capitol, Bldg 1, Room E-26
Charleston, WV 25305
(681) 313-4550
Lindsay.S.See@wvago.gov
Michael.R.Williams@wvago.gov

Counsel for Plaintiff State of West Virginia

/s/ James E. Nicolai
DREW H. WRIGLEY
Attorney General
JAMES E. NICOLAI
Interim Solicitor General

North Dakota Attorney General's Office
600 E Boulevard Avenue, Dept. 125
Bismarck, ND 58505
(701) 328-3644
jnicolai@nd.gov

Counsel for Plaintiff State of North Dakota

/s/ Edmund G. LaCour Jr.

STEVE MARSHALL
Attorney General
EDMUND G. LACOUR JR.
Solicitor General

Alabama Attorney General's Office
501 Washington Avenue
Post Office Box 300152
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Facsimile: (334) 353-8400
Edmund.LaCour@AlabamaAG.gov

Counsel for Plaintiff State of Alabama

/s/ Dylan L. Jacobs

TIM GRIFFIN
Attorney General
NICHOLAS J. BRONNI
Solicitor General
DYLAN L. JACOBS
Deputy Solicitor General

Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, Arkansas 72201
(501) 682-6302
nicholas.bronni@arkansasag.gov

Counsel for Plaintiff State of Arkansas

/s/ Stephen J. Petrany

CHRISTOPHER M. CARR
Attorney General
STEPHEN J. PETRANY
Solicitor General

Georgia's Attorney General's Office
40 Capitol Square, SW
Atlanta, Georgia 30334
(404) 458-3408
spetrany@law.ga.gov

/s/ Charles E. Brasington

TREG TAYLOR
Attorney General
CHARLES E. BRASINGTON
Assistant Attorney General

Alaska Attorney General's Office
1031 West Fourth Avenue, Suite 200
Anchorage, AK 99501
Phone: (907) 269-6612
charles.brasington@alaska.gov

Counsel for Plaintiff State of Alaska

/s/ Natalie P. Christmas

ASHLEY MOODY
Attorney General
NATALIE P. CHRISTMAS (Fla. Bar 1019180)
Assistant Attorney General of Legal Policy

Florida Attorney General's Office
The Capitol, Pl-01
Tallahassee, Florida 32399-1050
(850) 414-3300
(850) 410-2672 (fax)
natalie.christmas@myfloridalegal.com

Counsel for Plaintiff State of Florida

/s/ David M.S. Dewhirst

RAÚL R. LABRADOR
Attorney General
DAVID M.S. DEWHIRST
Chief Deputy Attorney General

Idaho Attorney General's Office
700 W. Jefferson Street, Ste. 210
P.O. Box 83720
Boise, ID 83720-0010
(208) 334-2400
david.dewhirst@ag.idaho.gov

Counsel for Plaintiff State of Georgia

/s/ Betsy M. Denardi

THEODORE E. ROKITA
Attorney General
BETSY M. DENARDI
Director of Complex Litigation

Indiana Attorney General's Office
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN 46204
(317) 232-6231
Betsy.DeNardi@atg.in.gov

Counsel for Plaintiff State of Indiana

/s/ Jesse A. Burris

KRIS KOBACH
Attorney General
JESSE A. BURRIS
Assistant Attorney General

Kansas Attorney General's Office
120 SW 10th Avenue, 2nd Floor
Topeka, Kansas 66612-1597
Tel: (785) 368-8197
Jesse.Burris@ag.ks.gov

Counsel for Plaintiff State of Kansas

/s/ Elizabeth B. Murrill

ELIZABETH B. MURRILL
Solicitor General
J. SCOTT ST. JOHN
Deputy Solicitor General
TRACY SHORT
Assistant Attorney General

Louisiana Department of Justice
1885 N. Third Street

Counsel for Plaintiff State of Idaho

/s/ Eric H. Wessan

BRENNA BIRD
Attorney General
ERIC H. WESSAN
Solicitor General

Iowa Attorney General's Office
1305 E. Walnut Street
Des Moines, Iowa 50319
(515) 281-5164
(515) 281-4209 (fax)
eric.wessan@ag.iowa.gov

Counsel for Plaintiff State of Iowa

/s/ Aaron J. Silletto

DANIEL CAMERON
Attorney General
AARON J. SILLETTO
Assistant Attorney General

Kentucky Attorney General's Office
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601
Phone: (502) 696-5300
Aaron.Silletto@ky.gov

Counsel for Plaintiff Commonwealth of Kentucky

/s/ Justin L. Matheny

LYNN FITCH
Attorney General
JUSTIN L. MATHENY
Deputy Solicitor General

Mississippi Attorney General's Office
550 High Street, Suite 1200
Jackson, MS 39201
Tel: (601) 359-3680

Baton Rouge, LA 70804
Tel: (225) 326-6766
murrille@ag.louisiana.gov
stjohnj@ag.louisiana.gov
shortt@ag.louisiana.gov

Counsel for Plaintiff State of Louisiana

/s/ Jeff P. Johnson

ANDREW BAILEY
Attorney General
JOSHUA M. DIVINE
Solicitor General
JEFF P. JOHNSON
Deputy Solicitor General

Missouri Attorney General's Office
Post Office Box 899
Jefferson City, MO 65102
Tel: (573) 751-8870
josh.divine@ago.mo.gov
jeff.johnson@ago.mo.gov

Counsel for Plaintiff State of Missouri

/s/ Eric J. Hamilton

MICHAEL T. HILGERS
Attorney General
ERIC J. HAMILTON
Deputy Solicitor General

Nebraska Attorney General's Office
2115 State Capitol
Lincoln, NE 68509
(402) 471-2683
Eric.Hamilton@nebraska.gov

Counsel for Plaintiff State of Nebraska

/s/ Garry M. Gaskins, II

GENTNER F. DRUMMOND
Attorney General
GARRY M. GASKINS, II

justin.matheny@ago.ms.gov

Counsel for Plaintiff State of Mississippi

/s/ Christian B. Corrigan

AUSTIN KNUDSEN
Attorney General
CHRISTIAN B. CORRIGAN
Solicitor General

Montana Attorney General's Office
215 N Sanders St
Helena, MT 59601
(406) 444-2707
Christian.Corrigan@mt.gov

Counsel for Plaintiff State of Montana

/s/ Brandon F. Chase

JOHN M. FORMELLA
Attorney General
BRANDON F. CHASE
Assistant Attorney General

New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-3650
Brandon.F.Chase@doj.nh.gov

Counsel for Plaintiff State of New Hampshire

/s/ J. Emory Smith

ALAN WILSON
Attorney General
J. EMORY SMITH, JR.

Solicitor General

ZACH WEST

Director of Special Litigation

AUDREY A. WEAVER

Assistant Solicitor General

Oklahoma Attorney General's Office

State of Oklahoma

313 N.E. 21st Street

Oklahoma City, OK 73105

(405) 521-3921

Garry.Gaskins@oag.ok.gov

Audrey.Weaver@oag.ok.gov

Counsel for Plaintiff State of Oklahoma

/s/ Charles D. McGuigan

MARTY J. JACKLEY

Attorney General

CHARLES D. MCGUIGAN

Chief Deputy Attorney General

South Dakota Attorney General's Office

1302 E. Highway 4, Suite 1

Pierre, SD 57501

605-773-3215

Counsel for Plaintiff State of South Dakota

/s/ Melissa Holyoak

SEAN REYES

Attorney General

MELISSA HOLYOAK

Solicitor General

Utah Attorney General's Office

350 N. State Street, Suite 230

P.O. Box 142320

Salt Lake City, UT 84114-2320

(801) 538-9600

Deputy Solicitor General

South Carolina Attorney General's Office

Post Office Box 11549

Columbia, South Carolina 29211

Phone: (803) 734-3680

Fax: (803) 734-3677

Email: ESmith@scag.gov

Counsel for Plaintiff State of South Carolina

/s/ Clark L. Hildabrand

JONATHAN SKRMETTI

Attorney General and Reporter

ANDRÉE S. BLUMSTEIN

Solicitor General

CLARK L. HILDABRAND

Senior Counsel

Tennessee Attorney General's Office

P.O. Box 20207

Nashville, TN 37202

(615) 253-5642

Clark.Hildabrand@ag.tn.gov

Counsel for Plaintiff State of Tennessee

/s/ Andrew N. Ferguson

JASON MIYARARES

Attorney General

ANDREW N. FERGUSON

Solicitor General

KEVIN M. GALLAGHER

Deputy Solicitor General

M. JORDAN MINOT

Assistant Solicitor General

Virginia Attorney General's Office

melissaholyoak@agutah.gov

Counsel for Plaintiff State of Utah

202 North 9th Street
Richmond, Virginia 23219
(804) 786-2071

aferguson@oag.state.va.us

kgallagher@oag.state.va.us

*Counsel for Plaintiff Commonwealth of
Virginia*

/s/ Ryan Schelhaas

BRIDGET HILL

Attorney General

RYAN SCHELHAAS

Chief Deputy Attorney General

Wyoming Attorney General's Office

Counsel for the State of Wyoming

109 State Capitol

Cheyenne, WY 82002

Telephone: (307) 777-5786

ryan.schelhaas@wyo.gov

Counsel for Plaintiff State of Wyoming